29014. Misbranding of citrate of magnesia. U. S. v. 612 Bottles of Citrate of Magnesia. Default decree of condemnation and destruction. (F. & D. No. 42018. Sample No. 22422–D.)

This product was represented to be solution of magnesium citrate, a drug recognized in the United States Pharmacopoeia; whereas it was not. It also was short of the declared volume.

On March 21, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 612 bottles of citrate of magnesia at Youngstown, Ohio; alleging that the article had been shipped in interstate commerce on or about February 24, 1938, from Pittsburgh, Pa., by the Benjamin Beerman Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the statement on the label and on the bottle cap, "Citrate of Magnesia U. S. P.," was false and misleading, since it represented that the article was solution of magnesium citrate, a drug recognized in the United States Pharmacopoeia and containing in each 10 cubic centimeters of solution total citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid; whereas it was not solution of magnesium citrate, since it contained in each 10 cubic centimeters of the solution, total citric acid equivalent to less than 26 cubic centimeters of half-normal hydrochloric acid. Misbranding was alleged further in that the statements on the bottle label, "Contents 11 Fl. Oz.," and on the bottle cap, "Contents 11½ Fluid Oz.," were false and misleading since they represented that the bottles contained 11 fluid ounces or more of the article; whereas the bottles did not contain 11 fluid ounces or more, but contained less than 11 fluid ounces.

On April 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29015. Misbranding of Sunshine Vitamin D Bath Flakes. U. S. v. Frank J. Peterson. Plea of guilty. Fine, $10. (F. & D. No. 39830. Sample No. 19621–C.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On April 5, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank J. Peterson, St. Paul, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 15, 1936, from the State of Minnesota into the State of Wisconsin of a quantity of the above-named product which was misbranded. The article was labeled in part: "Sunshine Vitamin (D) Bath Flakes * * * Frank J. Peterson * * * St. Paul, Minn."

Analysis showed that the article was essentially a sodium soap and that it contained no therapeutic quantity of vitamin D.

The article was alleged to be misbranded in that statements appearing on the label and in an accompanying circular falsely and fraudulently represented its curative and therapeutic effectiveness as a relief for aches, pains, itching skin, pimples, bad feet, rheumatism and athlete's foot; to restore vitamin D to the system; as a preventive and cure of common ailments, to ensure health and beauty; and effective as a treatment, remedy, and cure for any aches or pains, rheumatism, arthritis, sciatica, neuritis, lame back, lumbago, muscular pains, swollen limbs of long standing, swellings caused by sprain, fatigue, insomnia, skin disease of any nature such as itching scalp, pimples, eczema, acne, psoriasis, boils, itching, burning skin, tired, aching perspiring feet, athlete's foot, gout, no matter of how long statnding, burn or sunburn; to reduce weight; and as a treatment for crossness and irritability in babies.

On April 5, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of $10.

M. L. WILSON, *Acting Secretary of Agriculture.*

29016. Misbranding of Q-Loid. U. S. v. 12 Packages and 9 Boxes of Q-Loid. Default decrees of condemnation and destruction. (F. & D. Nos. 41963, 42076. Sample Nos. 7775–D, 14342–D.)

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling; and because it was labeled to indicate that it was a preparation of sulphur, whereas it also contained aspirin and antipyrine.

On March 14 and 29, 1938, the United States attorneys for the Districts of New Jersey and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 21 packages of Q-Loid in various lots at Jersey City and Union City, N. J., and Brockton, Mass.; alleging that the article had been shipped in interstate commerce on or about January 22 and February 17 and 26, 1938, from New York, N. Y., by the Magay Corporation; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of: (White tablets) 5 grains of aspirin; (yellow tablets) sulphur and antipyrine, samples from the two lots containing 0.2 grain and 0.4 grain of sulphur and 0.3 grain and 0.2 grain of antipyrine, respectively.

The article was alleged to be misbranded in that the following statements borne on the packages were false and misleading since they created the impression that it was a preparation of sulphur; whereas it contained the synthetic coal-tar drugs, aspirin and antipyrine: (Carton) "Q-Loid * * * A new convenient form of colloidal sulphur, Guaranteed to contain colloidal sulphur, recommended as an aid * * * where colloidal sulphur is indicated"; (booklet) "Q-Loid Colloidal Sulphur Tablets Recommended as an aid * * * where colloidal sulphur therapy is indicated This Pamphlet Tells You * * * How Q-Loid supplies colloidal sulphur in convenient tablets, * * * to evolve a * * * means of administering colloidal sulphur. It remained for laboratory research to make the * * * advance * * * At Last! Colloidal Sulphur In Tablet Form. The development of the tablet method of colloidal sulphur * * * The * * * result was Q-Loid, colloidal sulphur in tablet form, Q-Loid * * * A New Convenient Form of Colloidal Sulphur." Misbranding was alleged further in that the statements in the direction leaflet, "Yellow Tablets—to feed colloidal sulphur into the system," were false and misleading since the yellow tablets contained in addition to sulphur, the synthetic coal-tar drug antipyrine. Misbranding was alleged further in that statements appearing upon the box and in a circular contained in the package falsely and fraudulently represented the curative and therapeutic effect of the article in the treatment of arthritis, rheumatism, and allied conditions.

On April 27 and June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29017. Misbranding of Anti-Cholelith. U. S. v. 21 Packages of Anti-Cholelith. Default decree of condemnation and destruction. (F. & D. No. 41981. Sample No. 2569–D.)

The labeling of this product bore false and misleading statements that it was guaranteed under the Food and Drugs Act, and it also bore false and fraudulent curative and therapeutic claims.

On March 18, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Anti-Cholelith at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about February 2, 1938, from Springfield, Mo., by the Leon Chemical Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, glycerin, phosphoric acid, and extracts of plant drugs including hydrastis and cinchona.

The article was alleged to be misbranded in that the statement on the label, "Guaranteed by The Leon Chemical Company under the Food and Drug Act, June 30, 1906," was false and misleading, since it created the impression that the article had been examined and approved by the Government of the United States, that the Government guaranteed that it complied with the law and that the article did so comply; whereas it had not been so approved, it was not so guaranteed, and it did not comply with the law. Misbranding was alleged further in that statements appearing on the bottle label and in a circular contained in the package, falsely and fraudulently represented its curative or therapeutic effectiveness as a remedy for gallstones and renal calculi, as a treatment for gallstones and abnormal conditions of the bile, and as a nerve and tissue builder.